IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 31697 of 2006(W)

PETITIONER:

ABI K.ABEL,
KATTANGANAL HOUSE, KUROOR,
KOTHAMANGALAM, ERNAKULAM DISTRICT.

BY ADV. SRI.N.SUKUMARAN
SRI.S.SHYAM

RESPONDENTS:

1. **STATE OF KERALA,**
   REPRESENTED BY ITS SECRETARY TO LOCAL SELF GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. **KOTHAMANGALAM MUNICIPALITY,**
   REPRESENTED BY ITS SECRETARY, KOTHAMANGALAM.

3. **ASSISTANT EXECUTIVE ENGINEER,**
   P.W.D. ROADS SUB DIVISION, KOTHAMANGALAM-686691.

4. **LAND ACQUISITION OFFICER AND**
   TAHSILDAR, KOTHAMANGALAM.

5. **SUPERINTENDENT OF SURVEY AND**
   LAND RECORDS, COLLECTORATE, KAKKANADU,
   ERNAKULAM DISTRICT.

BY GOVERNMENT PLEADER SRI. M.R. SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE NOTICE DTD. 15/06/2002 BEARING NO.P.W.2-3569/02 (R.A.80/02-03) ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P2: COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DTD. 5/09/2002 BEARING NO.P.W.2-3569/02.

EXT.P3: COPY OF THE SKETCH ISSUED BY THE VILLAGE OFFICER, KOTHAMANGALAM TO THE PETITIONER DTD. 11/09/2002 BEARING NO.1216/02.

EXT.P4: COPY OF THE NO OBJECTION CERTIFICATE GIVEN BY THE ASST. ENGINEER, N.H.SECTION, KOTHAMANGALAM BEARING NO.K1-19/2000.

EXT.P5: COPY OF THE PERMIT ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DTD. 31/05/2003.

EXT.P6: COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DTD. 1/02/2006.

EXT.P7: COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA IN WP(C) NO.5418/05 DTD. 10/06/2005.

EXT.P8: COPY OF THE NOTIFICATION APPEARED IN DESHABHIMANI DAILY DTD. 13/07/2006 PUBLISHED BYTHE 4TH RESPONDENT.

EXT.P9: COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DTD. 14/10/2005.

EXT.P10: COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DTD. 29/03/2005.

EXT.P11: COPY OF THE JUDGMENT DTD. 7/04/2006 IN WP(C) NO. 10852/2006 OF THE HON'BLE HIGH COURT OF KERALA.

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WPC.NO.31697/2006 W

EXT.P12: COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DTD. 22/05/2006.

EXT.P13: COPY OF THE NOTIFICATION ISSUED BY THE 4TH RESPONDENT UNDER SEC.4(1) OF THE L.A.ACT APPEARED IN MANGALAM DAILY DTD. 9/02/2006.

EXT.P14: COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DTD. 25/05/2006.

EXT.P15: COPY OF THE LETTER DTD. 6/06/2006 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXT.P16: COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA DTD. 6/07/2006 IN WP(C) NO.17205 OF 2006.

EXT.P17: COPY OF THE REPRESENTATION SUBMTITED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DTD. 15/07/2006.

EXT.P18: COPY OF THE PLAN FORWARDED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P18(A): COPY OF THE FORWARDING LETTER ENCLOSING EXT.P18 DTD. 25/07/2006.

EXT.P19: COPY OF THE REPRESENTATION SUBMTITED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DTD. 8/08/2006.

EXT.P20: COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT DTD. 17/08/2006.

EXT.P21: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DTD. 28/08/2006.

EXT.P22: COPY OF THE REPLY TO EXT.P21 ISSUED BY THE 4TH RESPONDENT DTD. 10/10/2006.

EXT.P23: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 5TH RESPONDENT DTD. 12/10/2006.

EXT.P24: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DTD. 18/08/2006.

EXT.P24(A): COPY OF THE ACKNOWLEDGMENT ISSUED BY THE 2ND RESPONDENT RECEIVING EXT.P24 DTD. 18/08/2006.

/TRUE COPY/

P.A.TO JUDGE

KSS

S. SIRI JAGAN, J.

W.P.(C)NO.31697 OF 2006

DATED THIS THE 26th DAY OF JULY, 2007

JUDGMENT

The petitioner seeks a direction to the 4th respondent to issue the survey plan with necessary details in respect of 3.8 ares of property in Survey No.1260/13 of Kothamangalam Village belonging to the petitioner notified in Ext.P13 as requested in Ext.P21.

2. I have heard the learned Government pleader also. The petitioner is certainly entitled to copy of the survey plan in respect of his property. Therefore, it is only appropriate that the 4th respondent issues the same expeditiously. Accordingly, I dispose of this writ petition with a direction to the 4th respondent to issue the survey plan requested for in Ext.P21 as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

S. SIRI JAGAN, JUDGE

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